IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

RAMZI AL-DAQQAQ,) Civil Action No. 4:06-1709-JFA-TER
Plaintiff,	
V.)) REPORT AND RECOMMENDATION
AL CANNON, SHERIFF, CHAS. COUNTY, SHERIFF'S OFFICE; MAJOR HANSON,))
CHAS. COUNTY DETENTION CENTER, et al,)
Defendants.))

I. PROCEDURAL BACKGROUND

The plaintiff, Ramzi Al-Daqqaq ("plaintiff"), filed this action under 42 U.S.C. § 1983¹ on June 7, 2006. Since the filing of his complaint, plaintiff has been released from the Charleston County Detention Center. (See Document # 7, notice of change of address). Defendants filed a motion for summary judgment on May 3, 2007. Because plaintiff is proceeding pro se, he was advised on or about May 4, 2007, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), that a failure to respond to the defendants' motion for summary judgment with additional evidence or counter affidavits could result in the dismissal of his complaint. Plaintiff has failed to respond.

A. RULE 41(B) DISMISSAL

A complaint may be dismissed pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure for failure to prosecute and/or failure to comply with orders of the court. Ballard v.

¹All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d),DSC. Because this is a dispositive motion, the report and recommendation is entered for review by the District Judge.

<u>Carlson</u>, 882 F.2d 93 (4th Cir. 1989), <u>cert</u>. <u>denied</u> 493 U.S. 1084 (1990) and <u>Chandler Leasing Corp</u>.

v. Lopez, 669 F.2d 919 (4th Cir. 1982). In considering whether to dismiss an action pursuant to Rule

41(b), the court is required to consider four factors:

(1) the degree of plaintiff's responsibility in failing to respond;

(2) the amount of prejudice to the defendant;

(3) the history of the plaintiff in proceeding in a dilatory manner; and,

(4) the existence of less drastic sanctions other than dismissal.

Davis v. Williams, 588 F.2d 69 (4th Cir. 1978).

In the present case, the plaintiff is proceeding pro se so he is entirely responsible for his

actions. It is solely through plaintiff's neglect, and not that of an attorney, that no responses have

been filed. Plaintiff has not responded to defendants' motion for summary judgment, or the Court's

Order requiring him to respond. The undersigned concludes the plaintiff has abandoned his lawsuit

as to these defendants. No other reasonable sanctions are available. Accordingly, it is recommended

that this action be dismissed pursuant to Fed. R. Civ. Proc. 41(b).

II. CONCLUSION

As set out above, a review of the record indicates that the plaintiff's complaint should be

dismissed for failure to prosecute. It is, therefore,

RECOMMENDED that plaintiff's complaint be dismissed for failure to prosecute pursuant

to Fed. R. Civ. Proc. 41(b).

Respectfully submitted,

s/Thomas E. Rogers, III

Thomas E. Rogers, III

United States Magistrate Judge

June 19, 2007

Florence, South Carolina

The parties' attention is directed to the important information on the attached notice.

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